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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/057,365

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John M. Harris

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04/22/2004

MOTOROLA, INC.
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EXAMINER

DAO, MINH D

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,365	Applicant(s) HARRIS ET AL.	
	Examiner MINH D DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2.3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6-10, 13-16, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hjelm et al. (US 6,529,497).

Regarding claim 1, Hjelm teaches a method for data transmission within a wireless communication system (see fig. 1, items 20, 22, 24, 50), the method comprising the steps of: determining that data transmission needs to take place (col. 6, lines 27-31); determining a communication system statistic (col. 2, lines 64-67; col. 3, lines 1-11; col. 6, lines 63-66); and adjusting an idle-timer threshold based on the communication system statistic, wherein a data call is dropped if there exists no data transmission for a period of time greater than the idle-timer threshold (col. 9, lines 53-67; col. 10, lines 1-6; col. 10, lines 38-47; col. 10, lines 64-67; col. 11, lines 1-3; col. 11, lines 4-16).

Regarding claims 2, 9, and 15, Hjelm teaches determining a communication system statistic comprises the step of determining an amount of system resources available to the communication system (col. 6, lines 63-66).

Regarding claims 3, 10, and 16, Hjelm teaches determining a communication system statistic comprises the step of determining an amount of data channels available to the communication system (col. 6, lines 63-66).

Regarding claims 6, 13, and 19, Hjelm teaches adjusting the idle-timer threshold comprises the step of either increasing or decreasing the idle-timer threshold based on the communication system statistic (col. 10, lines 1-6; col. 10, lines 38-47; col. 10, lines 64-67, col. 11, lines 4-16).

Regarding claim 7, the claim has the limitations as that in claim 1, therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

Regarding claim 8, the claim has the limitations as that in claim 1, therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

Regarding claim 14, the claim is the apparatus claim of claim 1 and has the limitations as that in claim 1, therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2682

2. Claims 4,5,11,12,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelm et al. (US 6,529,497).

Regarding claims 4, 11 and 17, cited reference Hjelm teaches the limitations of claims 1, 8, and 14 which are independent claims of claims 4, 11, and 17 respectively. Hjelm fails to teach determining a communication system statistic comprises the step of determining a length of time that a data transmission call has taken place. However, it is known in the art that the length of time of data transmission is one of the factors that contributes to the traffic load of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the step of determining the length of time of the data transmission in order to determine the system statistic.

Regarding claims 5, 12 and 18, cited reference Hjelm teaches the limitations of claims 1, 8, and 14 which are independent claims of claims 5, 12, and 18 respectively. Hjelm fails to teach determining a communication system statistic comprises the step of determining a link speed for the data transmission. However, it is known in the art that the link speed of data transmission is one of the factors that contributes to the traffic load of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the step of determining the link speed of data transmission in order to determine the system statistic.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- a. Chen et al. (US 2002/0132586) discloses Techniques For Adjusting Parameters Of A Quick Paging Channel Based On Network Load.
- b. Vukovic et al. 9US 2002/0198012) discloses Method And Apparatus For Allocating A Communication Resource In A Broadband Communication System.
- c. Laboy et al. (US 6,442,652) discloses Load Based Cache Control For Satellite Based CPUS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao
Examiner
Art Unit 2682
April 15, 2004 *mod*


LEE NGUYEN
PRIMARY EXAMINER